



DATE ISSUED: APR 2 1990

CASE NUMBER: 90 TLC 13

In the Matter

FLORIDA FRUIT & VEGETABLE ASSOCIATION,
Complainant,

and

U. S. DEPARTMENT OF LABOR,
Respondent,

Before: James Guill
Associate Chief Administrative Law Judge

ORDER OF DISMISSAL

This proceeding was initiated by Employer's request on February 22, 1990, for a de novo hearing pursuant to 20 C.F.R. §655.112(b). Employer's request was based on Regional Administrator Daniel L. Lowry's determination that Employer's piece-rate offer did not comply with prevailing rate findings and that the crew leader job offer was inconsistent with the prevailing practices.

The Regional Administrator did not forward a certified of the case file to this office, and therefore no hearing had copy been scheduled. 20 C.F.R. §655.112(b)(ii).

On March 29, 1990 Employer's Motion for Dismissal of Appeal was filed, proffering that it had received approval of its modified application for H-2A certification, By letter also received on March 29, 1990, Robert J. Lesnick, counsel for the Department of Labor, submitted that this motion had been reviewed, and Respondent had no objections.

Accordingly, IT IS ORDERED that this matter is DISMISSED with prejudice.

JAMES GUILL
Associate Chief Administrative Law Judge